



CITY OF MEMPHIS

COUNCIL AGENDA

April 27, 2004

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (April 13, 2004)

CONSENT AGENDA

GENERAL ORDINANCES - FIRST READING (none)

GENERAL ORDINANCES - SECOND READING (none)

ZONING ORDINANCES - FIRST READING

1. **ORDINANCE** rezoning the north side of Summer Avenue; +450 feet east of Isabelle Street, containing 10,454 square feet in the Duplex Residential (R-D) District, up for F I R S T reading.
Peete Ordinance No. 5055
Case No. Z 04-111

Applicant: John and Lisa Haley
John and Lisa Haley – Representatives

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

2. **ORDINANCE** rezoning the northeast corner of Getwell Road and Willow Road @ rear of lot only, containing 3,123 sq. ft., in the Single Family Residential (R-S6) District, up for F I R S T reading.
Peete Ordinance No. 5056
Case No. Z 04-114

Applicant: Wade H. Walker
Wade H Walker – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

3. **ORDINANCE** rezoning the southeast corner of Ida Place and Mississippi Boulevard, containing 0.16 acre (6,969.60 sq. ft.) in the College and University (CU) District, up for F I R S T reading.
Peete Ordinance No. 5057
Case No. Z 04-113

Applicant: Arvis & Sonja Latting, Jr.
Booker T. Middleton – Representative

Request: Neighborhood Commercial (C-N) District

LUCB and OPD recommendation: APPROVAL, of the Neighborhood
Commercial (C-N) District

ACTION REQUESTED: Adopt the ordinance on First reading

4. **ORDINANCE** rezoning the north side of Holmes Road; beginning 515+ feet west of Autumn Forest Drive; extending north to the southern termini of Autumn Evening Lane and Autumn Morning Lane, containing 14.01 acres in the Agricultural (AG) District, up for F I R S T reading.

Peete

Ordinance No. 5058
Case No. Z 04-116cc

Applicant: Trimark, LLC
Mac Ghasemmi – Representative

Request: Single Family Residential (R-S10) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCES- SECOND READING

5. **ORDINANCE** rezoning the southwest corner of Bender Road and Interstate 55, containing 14.26 acres in the Multiple Family Residential (R-ML) District, up for S E C O N D reading.

Peete

Ordinance No. 5048
Case No. Z 04-103

Applicant: Southwest Tennessee Community College, Summer Bakery, LLC.,
& David Hogue
Ricky Wilkins, Atty. - Representative

Request: 11.03 acres in the Highway Commercial (C-H) & 3.23 acres in the Single
Family Residential (R-S10) Districts

LUCB recommendation: APPROVAL of C-H and R-S10 on Parcels 1, 3, 4, & 5

OPD recommendation: REJECTION of C-H on Parcels 1, 3, & 4 and APPROVAL
of R-S10 on Parcel 5

ACTION REQUESTED: Adopt the ordinance on Second reading

6. **ORDINANCE** rezoning the south side of Democrat Road; +331.95 feet west of the west line of U.S. Highway 78 containing 7.948 acres in the Highway Commercial (C-H) District, up for S E C O N D reading.

Peete

Ordinance No. 5049
Case No. Z 04-105

Applicant: William B. Simmons
Construction Engineering Services – Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

7. **ORDINANCE** rezoning the south side of Roosevelt Avenue, ±90 feet west of Watkins Street, containing 20,000 sq. ft.(0.46 acre) in the Parking (P) District, up for S E C O N D reading.

Peete

Ordinance No. 5050
Case No. Z 04-106

Applicant: Family Dollar Stores, Inc.
Jud TePaske(Fisher & Arnold) – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

8. **ORDINANCE** rezoning the north side of Summer Avenue; between Glankler Street and Tillman Street, containing ± 1.0 acre in the Duplex Residential (R-D) & Highway Commercial (C-H) Districts, up for S E C O N D reading.

Peete

Ordinance No. 5051
Case No. Z 04-107

Applicant: Family Dollar Stores, Inc.
The Hutton Company & Fisher & Arnold, Inc. (Judson TePaske) – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

9. **ORDINANCE** rezoning the west side of National Street; ± 205 feet south of Hardin Avenue, containing 4.05 acres in the Multiple Dwelling Residential (R-ML) District, up for S E C O N D reading.

Peete

Ordinance No. 5053
Case No. Z 04-110

Applicant: Harmony Woods Apartments, L.P.
Harvey Marcom (The Reaves Firm) – Representative

Request: Multiple Dwelling Residential (R-MM) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

10. **ORDINANCE** rezoning the southwest corner of Trimble Place and Florence Street, containing 5,000 sq. ft. (0.114 acre) in the Multiple Family Residential (R-MM) District, up for S E C O N D reading.

Peete

Ordinance No. 5054
Case No. Z 04-109

Applicant: Deliece Hurdle dba/Fresh Faces
Sam Zalowitz – Representative

Request: Local Commercial (C-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on Second reading

ENGINEERING

11. **RESOLUTION** accepting RIVERWOOD FARMS PD, PHASE 4, PART OF AREA B, and authorizing release of bond.

Case No. PD 91-313cc
(Contract No. CR-4805)

Resolution accepts completion of the improvements and the dedication of public streets and easements as shown on the final plat located east of Sanga Rd, north of Macon Rd. the standard improvement contract was approved on July 15, 2003. Resolution also

authorizes the release of the certificate of deposit in the amount of \$15,000.00. This action is subject to County approval.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

12. RESOLUTION approving final plat of WHITTEN/1-40 P.U.D., PHASE 15.
Case No. PUD-R-C-194

Resolution approves the final plat located on the east side of Century Gate Drive, south of Interstate Highway 40. Cost of the required improvements to be borne by the Developer.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

13. RESOLUTION approving final plat of HOUSTON LEVEE TRAILS P.D., 1ST ADDITION, 2ND AMENDMENT, PHASE 4.
Case No. PD 00-350
Contract No. CR-4861

Resolution approves the final plat located on the south side of US Highway No. 64, east of Houston Levee Road. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

14. RESOLUTION approving final plat of WHITTEN ROAD COMMERCIAL P.D., PHASE 1.
Case No. PD 03-347
Contract No. CR-4862

Resolution approves the final plat located on the east side of Whitten Road, 320.57 feet north of Hillshire Drive. Cost of the required improvements to be borne by the Developer. Resolution also authorizes the proper officials to execute the attached standard improvement contract.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

NOTATIONS FROM OPD

15. **NOTATIONS** from Land Use Control Board that the following cases were heard and recommendation made requesting a date of public hearing:

A. Case No. PD 04-307cc – DEXTER RIDGE FARMS PLANNED DEVELOPMENT

Located on the northeast corner of Dexter Road and Wynne Road, containing 10.91 acres in the Single Family Residential (R-S8) District

Applicant: Yearwood Company (Al Yearwood)
Ron Harkavy – Representative

Request: A maximum of 82 lots

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: Hold for Redesign

B. Case No. PD 04-317 – CORNERSTONE PLANNED DEVELOPMENT

Located on the north side of Elmore Road; +430 feet west of Whitten Road, containing 7.29 acres in the Multiple Family Residential (R-ML) District

Applicant: Cornerstone Development Group
S R Consulting (Cindy Reaves) - Representative

Request: A maximum of 55 single family lots

LUCB recommendation: APPROVAL, with conditions

OPD recommendation: Hold for Details

C. Case No. PD 04-318

Located on the south side of American Way; ±711 feet west of Clearbrook Street, containing 3.531 acres in the Planned Commercial (C-P) District

Applicant: LBLW Properties, LLC
Ronald Harkavy (Armstrong Allen, PLLC) – Representative

Request: Allow use of existing building for warehousing and distribution of merchandise and apparel, in addition to the commercial and office uses permitted under current zoning

LUCB and OPD recommendation: APPROVAL, with conditions

D. Case No. PD 04-320 – WILLY AND RAY PLANNED DEVELOPMENT

Located on the east side of Goodwyn Street; +400.72 feet north of Midland Avenue, containing 6.91 acres in the Single Family Residential (R-S6) District

Applicant: R.W. Fairways, LLC, (Chip Tayloe)
Ronald Harkavy – Representative

Request: 10 single family lots (including the two existing homes)

LUCB and OPD recommendation: APPROVAL, with conditions

E. Case No. SAC 03-615 – TAXIWAY ROAD & PORTIONS OF HANGER ROAD, RUDDER ROAD AND SANDERWOOD DRIVE

Taxiway Road located between Rudder Road and Sanderwood Drive, Hanger Road & Rudder Road – up to 103 and 110 feet east of Taxiway Road, Sanderwood Drive – up to 238 feet east of Taxiway Road, containing 1.726 acres in the Light Industrial (I-L) District

Applicant: Memphis Shelby County Airport Authority
SR Consulting, LLC – Representative

Request: Close & Vacate Street Rights-Of-Way

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: May 4, 2004

GENERAL ITEM

16. RESOLUTION approving an honorary street change for Pastor R.L. Williams, Jr.
Brown &
Hooks

ACTION REQUESTED: Adopt the resolution



CITY OF MEMPHIS

COUNCIL AGENDA

April 27, 2004

Public Session, Tuesday, 3:30p.m.
Council Chambers, First Floor, City Hall
125 N. Main Street
Memphis, TN 38103-2017

APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

REGULAR AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

EXECUTIVE DIVISION (none)

FINANCE & ADMINISTRATION

22. RESOLUTION issuing Sanitary Sewerage System Revenue Bonds of The City of Memphis, Tennessee for the purpose of financing the cost of improvements, additions and extensions of the Sanitary Sewerage System of The City of Memphis.

Mitchell

ACTION REQUESTED: Adopt the resolution

23. RESOLUTION including an allocation for foreign language interpreter services at City Court Divisions I, II, and III in the budget ordinance for Fiscal Year 2005 beginning July 1, 2004.

Mitchell

ACTION REQUESTED: Adopt the resolution

DIVISION OF FIRE SERVICES (none)

DIVISION OF GENERAL SERVICES (none)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT

24. RESOLUTION amending the FY 2004 Federal Operating Budget by appropriating \$96,864.00 in revenues derived from the Health Education Housing Facility.

Ford

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION amending the FY 2004 Capital Improvement Budget by transferring an allocation and appropriating \$500,000.00 in G.O. Bonds-General from Fowler Homes project number CD036 to Parkway Commons project number CD077 for acquisition and construction related costs.

Ford

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION approving the City of Memphis, Tennessee, as a participant in the Community Development Block Grant Program, to recognize and acknowledge April 1 – 30, 2004 as National Community Development Month.

Ford

ACTION REQUESTED: Adopt the resolution

DIVISION OF HUMAN RESOURCES (none)

LAW DIVISION (none)

DIVISION OF PARK SERVICES (none)

DIVISION OF POLICE SERVICES

27. RESOLUTION accepting grant funds in the amount of \$74,271.00 from the Department of Justice Project Safe Neighborhoods to purchase vehicles, entry tools, crime scene equipment and travel. Resolution also amends FY 2004 Operating Budget to appropriate grant funds.

Taylor

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES (none)

DIVISION OF PUBLIC WORKS

28. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$32,819.00 in Sewer Funds from Service to Unsewered Area project number SW038 to 9270 Grove Road Sewer Extension project number SW155 for construction contract with Argo Construction.

Taylor

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

29. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$86,566.00 in Sewer Funds from Subdivision Outfalls project number SW002 to Shelby Woodlands Sewer Extension project number SW153 for construction contract with Argo Construction.

Taylor

Director of Public Works and City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution

30. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$55,825.00 in G. O. Bonds from Drainage project number PW120 to Rosita Drainage District project number PW487 for a construction contract with Argo Construction.

Taylor

Director of Public Works and City Engineer recommend approval

ACTION REQUESTED: Adopt the resolution

31. RESOLUTION amending the Capital Improvement Budget by transferring an allocation and appropriating \$1,728,549.00 in Sewer Funds from Rehabilitation of Existing Sewers project number SW012 to Sewer Repair Services project number SW090.

Taylor

Director of Public Works recommends approval

ACTION REQUESTED: Adopt the resolution

GENERAL ORDINANCES -THIRD AND FINAL READING (none)

ZONING ORDINANCES - THIRD AND FINAL READING

32. ORDINANCE rezoning the north right-of-way line of McLemore Avenue and proceeding approximately three thousand (3,000) feet or half (0.5) a mile southwardly to the south right-of-way line of South Parkway East, up for T H I R D and F I N A L reading.(Held from 2/3;2/17;3/2; 3/16;3/27)

Peete

Ordinance No. 5037
Case No. SNC 03-802

Request: Change name to "Willie Mitchell Boulevard"

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

74 NOTICES MAILED ON JANUARY 23, 2004

33. **ORDINANCE** rezoning \pm 1,685 feet east of Airways Boulevard at the Tennessee State Line, containing 2.69 acres in the Multiple Family Residential (R-ML) District, up for T H I R D and F I N A L reading.

Peete

Ordinance No. 5047
Case No. Z 04-102

Applicant: Panattoni Development Co.
Ronald Harkavy, Armstrong, Allen, PLLC - Representative

Request: Light Industrial (I-L) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Take whatever action Council deems advisable

8 NOTICES MAILED ON APRIL 16, 2004

DIVISION OF PLANNING & DEVELOPMENT (none)

PUBLIC HEARINGS

34. RESOLUTION approving a planned development located on the west side of Belvedere Blvd.; \pm 710 feet north of Madison Avenue, containing 12,200 sq. ft. (0.28 acre) in the Multiple Family Residential (R-MM) District.

Peete

Case No. PD 03-364

Applicant: Wayne Martin

Request: Eight (8) multi-family residential units in two separate buildings

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

63 NOTICES MAILED ON APRIL 16, 2004

35. RESOLUTION approving a planned development located on the south side of Poplar Avenue between Williamsburg Lane and Woodmere Lane, containing 3.4 acres in the Single Family Residential (R-S10) District.

Peete

Case No. PD 03-368

Applicant: Vince Smith
Homer Branan/Ralph Smith – Representative

Request: A maximum of 17 lots (Minimum lot size 6,000 Sq. Ft.)

LUCB recommendation: APPROVAL, with conditions – 16 Lots

OPD recommendation: APPROVAL, with conditions – 15 Lots

ACTION REQUESTED: Take whatever action Council deems advisable

80 NOTICES MAILED ON APRIL 16, 2004

36. RESOLUTION approving a planned development located on the west side of N. Perkins Road; +175 feet north of Tutwiler Avenue, containing 1.75 acres in the Single Family Residential (R-

Applicant: Terry Investments LLC (Terry Dann)
Terry Dann – Representative

Request: A maximum of 9 single family lots

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

59 NOTICES MAILED ON APRIL 16, 2004

37. RESOLUTION approving a planned development located on the northeast corner of N. Germantown Parkway and Club Parkway, containing 9.16 acres and is currently governed by Avanti Planned Development (P.D. 87-352).

Applicant: Cypress Realty
SR Consulting, LLC – Representative

Request: Planned development amendment to create a new Parcel ‘C’ to allow Planned Commercial (C-P) District uses within the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

88 NOTICES MAILED ON APRIL 16, 2004

38. RESOLUTION approving a planned development located on the southeast corner of U.S. Highway 64 and N. Germantown Parkway, containing 3.84 acres and is currently governed by the I-40/Germantown Parkway Planned Development (P.D. 94-330).

Applicant: Cohen Investments
Armstrong-Allen, PLLC-Ronald Harkavy – Representative

Request: Planned development amendment to permit a rental car agency in Parcel ‘G’ of the Outline Plan

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

52 NOTICES MAILED ON APRIL 16, 2004

39. RESOLUTION approving a special use permit located on the north of Watauga Avenue; ±575 feet east of Highland Avenue, containing 20,000 sq. ft. (0.46 acre) in the Single-Family Residential (RS-6) District.

Applicant: Wesley Highland Nursing Homes, Inc.
Cindy Reaves, SR Consulting, LLC – Representative

Request: **Access to adjoining nursing home;** Build entrance/exit driveways
Residential home for the aged: Include assisted living facility in site plans

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

77 NOTICES MAILED ON APRIL 16, 2004

40. RESOLUTION approving an appeal located on the southwest corner of Poplar Avenue

and Ridgefield Road, containing 18,000 square feet (0.413 acre).

Peete

Case No. S 04-007

Appellant: Robert Durbin

Request: Appeal to overturn action of Land Use Control Board approving a two (2) lot preliminary plat

LUCB recommendation: REJECTION

OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

30 NOTICES MAILED ON APRIL 16, 2004

GENERAL ITEM (none)

ADJOURNMENT